

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2009 MAY 14 PM 2:04
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY

ANJUM MALIK,

PLAINTIFF,

V.

CONTINENTAL AIRLINES, INC.,

DEFENDANT.

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CIVIL NO. A- 06-CA-695-LY

FINAL JUDGMENT

Before the Court is the above styled and numbered cause. By opinion rendered November 10, 2008, the Court of Appeals for the Fifth Circuit affirmed this Court's March 11, 2008 dismissal of Plaintiff Anjum Malik's state law claims and federal discrimination claims and reversed and remand to this Court Malik's federal common law claim for lost luggage (Document No. 46).

On this date, by separate Order On Report and Recommendation the Court granted Defendant Continental Airlines, Inc.'s ("Continental") Motion For Summary Judgment on Plaintiff's Claim for the Value of Her Lost Luggage, denied Malik's motion for partial summary judgment, and held that Continental's liability to Malik for her federal common law claim for the value of her lost luggage is \$800.

Accordingly, the Court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS ORDERED that Plaintiff Anjum Malik recover from Defendant Continental Airlines, Inc. on her federal common law claim for lost luggage actual damages in the amount of \$800.

IT IS FURTHER ORDERED that Plaintiff Anjum Malik recover from Continental Airlines, Inc. prejudgment interest at a rate of five per cent *per annum* on the sum of \$800, beginning August 31, 2006, through May 13, 2009, which is the day before the Court signed the Final Judgment in this cause, in the amount of \$68.08. *See* Tex. Fin. Code Ann. § 304.003 (West 2006); *Johnson v. Higgins, Inc. v. Kenneco Energy, Inc.*, 962 S.W.2d 507, 528 (Tex. 1998).

IT IS FURTHER ORDERED that Plaintiff Anjum Malik recover postjudgment interest from Defendant Continental Airlines, Inc. on all of the above amounts at a rate of 0.53 percent *per annum* from the date this Judgment is signed until paid in full. *See* 28 U.S.C. § 1961.

IT IS FURTHER ORDERED that remaining issues regarding claims for costs and reasonable attorney's fees incurred in this action will be determined post judgment and pursuant to Rule CV-7(i), Local Rules of the United States District Court for the Western District of Texas.

IT IS FURTHER ORDERED that all relief not expressly granted is hereby **DENIED**.

IT IS FINALLY ORDERED that the above styled and numbered cause is hereby **CLOSED**.

SIGNED this 14th day of May, 2009.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE